

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CARLOS ALVAREZ CHICAS, ALONSO  
VILLATORO, MISAEAL ALEXANDER MARTINEZ  
CASTRO, ANGEL MARTINEZ, EDWIN ULLOA  
MOREIRA and MATEO UMAÑA individually and on  
behalf of all others similarly situated,

Plaintiffs,

-against-

KELCO CONSTRUCTION, INC., KELCO  
LANDSCAPING, INC., E.L.M. GENERAL  
CONSTRUCTION CORP. D/B/A KELLY'S CREW,  
JOHN KELLY and JOSEPH PROVENZANO,

Defendants.

Case No. 1:21-CV-09014  
(PAE)(SDA)

**DECLARATION OF ELI Z. FREEDBERG IN SUPPORT OF  
OPPOSITION TO PLAINTIFFS' MOTION FOR CONDITIONAL COLLECTIVE  
CERTIFICATION AND COURT-AUTHORIZED NOTICE**

I, Eli Z. Freedberg, an attorney duly admitted to practice before the Courts of the State of New York, hereby affirm under penalty of perjury:

1. I am a shareholder of the law firm of Littler Mendelson, P.C., counsel for Defendants Kelco Construction, Inc., Kelco Landscaping, Inc., E.L.M. General Construction Corp. d/b/a Kelly's Crew, John Kelly, and Joseph Provenzano (collectively "Defendants") in the above-captioned action. By virtue of my representation of Defendants in this action, I have become familiar with the facts and circumstances at issue herein.

2. This Declaration is respectfully submitted in support of Defendants' Opposition to Plaintiffs' Motion for Conditional Collective Certification and Court-Authorized Notice.

3. Attached hereto as **Exhibit 1** is the Memorandum of Law in Support of Plaintiffs' Motion for Conditional Certification of FLSA Collective, dated December 23, 2022 (ECF No. 65).

4. Attached hereto as **Exhibit 2** is Plaintiffs' Notice of Motion for Conditional Certification and Court-Authorized Notice, dated December 23, 2022 (ECF No. 64).

5. Attached hereto as **Exhibit 3** is Plaintiffs' Proposed Notice, attached to Plaintiffs' Motion for Conditional Certification, dated December 23, 2022 (ECF No. 64-1).

I declare under penalty of perjury that the foregoing is true and correct.

Dated: January 27, 2023  
New York, New York

/s/ **Eli Z. Freedberg**  
Eli Z. Freedberg  
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